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EXAMINER
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TANINGCO, MARCUS H

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### **Information Disclosure Statement**

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### **Claim Objections**

Claims 18 and 28 are objected to because of the following informalities:

Amended claim 18 recites the phrase, "An object identification system comprising at least one detection unit for gamma, X-ray, and neutron radiations from an object..." which should be amended to include the phrase, "...at least one detection unit for *detecting* gamma.."

Claim 28 is identical to claim 26 and is also dependent upon claim 20.

Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10, 11, 13, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (*Chan*, US 2003/0085163).

With regards to claim 10, Chan discloses a system and method for remote access and analysis of data comprising: an inspection station (*inspection station may comprise x-ray scanners, gamma scanners, any nuclear based imaging scanner, and/or any combination thereof [0023]*) to detect X-ray data obtained from an item under inspection, said inspection station comprising an X-ray scanner (*inherently comprising a microprocessor controller*); means (*information transfer device*) to pass X-ray data from said scanner to an operator interface (*preprocessing unit*), wherein said interface receives and displays an X-ray image of the item under inspection, reconstructed (*processor having a spectrum analysis unit*) from the X-ray data. Chan discloses that in some cases, the operator may decide that the item under inspection warrants further inspection and may pass (*through an information input device and a connecting unit*) said X-ray data to another inspection station (*expert system*) [0018-0019].

With regards to claim 11, Chan discloses said inspection stations are connected in a local network (*channel for two-way transfer of audio and video information*) [0019].

With regards to claim 13, Chan discloses said unit comprises an optical scanner [0019].

With regards to claim 15, Chan discloses a common housing containing said detection unit and said preprocessing unit (Fig. 1)

With regards to claim 16, Chan discloses said preprocessing unit is connected to a remote expert system for receiving instructions therefrom for further processing of the item under inspection [0027].

Claims 20-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Peeters (US 2004/0119591).

With regards to claim 20, Peeters discloses a portable hand-held system for identification of a radiation source [0033], the system comprising: a portable detection unit that detects ionizing radiation from the radiation source [0073] and provides a corresponding detection signal based on the detected radiation; a spectrum analysis unit for analyzing a radiation spectrum detected by the detection unit; a display unit for displaying results of the spectrum analysis; and a connecting unit for communicating with an expert system and for receiving instructions for further processing of the radiation source. [0126].

With regards to claim 21, Peeters discloses the system is housed in a common housing with a mobile telephone (Fig. 1) that includes a microprocessor for the analyzing of the radiation spectra [0069].

With regards to claims 22-24, Peeters discloses said ionizing radiation may comprise gamma, X-rays, or neutron radiation [0073].

With regards to claim 25, Peeters discloses said system can utilize a combination [0031] of sensors to detect neutron, gamma, and X-ray radiation [0126].

With regards to claims 26 and 28, Peeters discloses said system includes a global positioning system receiver, and wherein the connecting unit communicates current position of the system to the expert system [0126- 0129].

With regards to claim 27, Peeters discloses said system includes a mobile telephone that includes a microprocessor for the analyzing of the radiation spectrum [0126].

With regards to claim 30, Peeters discloses a portable hand-held system for identification of a radiation source [0033], the system comprising: a portable detection unit that detects ionizing radiation from the radiation source [0073] and provides a corresponding detection signal based on the detected radiation; a spectrum analysis unit for analyzing a radiation spectrum detected by the detection unit; a display unit for displaying results of the spectrum analysis; and a connecting unit for communicating with an expert system and for receiving instructions for further processing of the radiation source [0126]; and a global positioning system receiver, and wherein the connecting unit communicates current position of the system to the expert system [0126- 0129].

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (*Chan*).

With regards to claim 12, Chan discloses a preprocessing unit, but fails to teach said unit consists of a smart phone or a notebook. Instead, Chan discloses said unit comprising a desktop computer with the capability of wirelessly communication to a remote access (see Fig. 2 and the corresponding description). Those skilled in the art appreciate that the preprocessing unit taught by Chan and the preprocessing unit recited in claim 12 would be considered art recognized equivalents. Providing a smart phone or notebook in communication with the data collection station would provide greater mobility and would have been considered a matter of routine design choice.

With regards to claim 14, Chan discloses said system may comprise a plurality detection units disposed at a plurality of check points, each detection unit being connected to said preprocessing unit (see Fig. 5 and corresponding description). Chan fails to teach an identification marker. Nevertheless, the system taught by Chan is provided to identify and locate potential threats, and would benefit from each detection unit having an identification marker. Thus, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Chan with identification markers in order to efficiently and accurately identify and locate potential threats.

With regards to claim 17, Chan discloses said system may comprise a plurality detection units disposed at a plurality of check points, each detection unit being connected to said preprocessing unit (see Fig. 5 and corresponding description). Chan fails to teach GPS receiver. Nevertheless, the system taught by Chan is provided to identify and locate potential threats, and would benefit from each detection unit having an identification marker. Thus, it would have been

obvious to one with ordinary skill in the art at the time the invention was made to modify Chan with a GPS receiver in order to efficiently and accurately identify and locate potential threats.

With regards to claim 18, Chan discloses a system and method for remote access and analysis of data comprising: an inspection station to detect X-ray data obtained from an item under inspection, said inspection station comprising an X-ray scanner (*inherently comprising a microprocessor controller*); means (*information transfer device*) to pass X-ray data from said scanner to an operator interface (*preprocessing unit*), wherein said interface receives and displays an X-ray image of the item under inspection, reconstructed (*processor having a spectrums analysis unit*) from the X-ray data. Chan discloses that in some cases, the operator may decide that the item under inspection warrants further inspection and may pass (*through an information input device and a connecting unit*) said X-ray data to another inspection station [0018-0019] and that said preprocessing unit is connected to a remote expert system for receiving instructions therefrom for further processing of the item under inspection [0027]. Although not specifically taught, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Chan with a channel to one of a national emergency warning system in order to provide immediate response.

With regards to claim 19, Chan discloses said system may comprise a plurality detection units disposed at a plurality of check points, each detection unit being connected to said preprocessing unit (see Fig. 5 and corresponding description). Chan fails to teach GPS receiver. Nevertheless, the system taught by Chan is provided to identify and locate potential threats, and would benefit from each detection unit having an identification marker. Thus, it would have been



obvious to one with ordinary skill in the art at the time the invention was made to modify Chan with a GPS receiver in order to efficiently and accurately identify and locate potential threats.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peeters.

With regards to claim 29, Peeters discloses most of the claimed limitations except for the Bluetooth connection between said system and said mobile telephone. Peeters does, however, teach the use of Bluetooth technology for wireless communication [0060]. As such, those skilled in the art appreciate that, absent some degree of criticality, utilizing Bluetooth technology to wirelessly connect said system to said mobile telephone would have been a matter of routine design choice that would have been within the skill of a person of ordinary skill in the art depending on the needs of the particular application.

### **Response to Arguments**

Applicant's arguments filed 10/04/2007 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 10 and 18 are not persuasive since Chan specifically teaches that the inspection station may comprise x-ray scanners, gamma scanners, any nuclear based imaging scanner, and/or any combination thereof [0023]. Those skilled in the art appreciate that nuclear based imaging scanners can only include gamma scanners (previously mentioned) and neutron scanners. Proton detection is also nuclear based but would not be utilized in this type of situation. As such, neutron imaging scanners are taught by Chan. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., source of

radiation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant's argument with respect to claim 12 is not persuasive since desktop computers and notebooks are considered art recognized equivalents. Applicant's arguments with respect to claim 13 do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. For example, applicant has not pointed out the specific differences between the optical scanner taught by Chan and the optical scanner recited in claim 13. Applicant's argument with respect to claim 17 is not persuasive because applicant makes a statement (that the system taught by Chan would inherently be installed inside a building) which is not found in Chan's teachings. Furthermore, in Chan's description of Fig. 5, Chan states that multiple data collection stations may be operated wherein suspect item may be tracked via an electronic or automated system that may alert an expert when a certain frequency of suspect items have been noted in a single airport, in geographically related airports, or in any type of pattern that may pose some kind of possible threat. In a situation where multiple airports require monitoring, it would have been obvious to utilize GPS technology in order to effectively locate areas of possible threat. Applicant's arguments with respect to new claims 20-29 have been addressed above.

## **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus H. Taningco whose telephone number is (571) 272-1848. The examiner can normally be reached on M - F 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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